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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92057017
Party	Plaintiff Swing Aerobics Licensing, Inc.
Correspondence Address	JOHN S EGBERT EGBERT LAW OFFICES PLLC 1314 TEXAS AVENUE 21ST FLOOR HOUSTON, TX 77002 UNITED STATES mail@egbertlawoffices.com
Submission	Motion for Default Judgment
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Signature	/2529-9/
Date	08/16/2013
Attachments	2529-9 Mtn Default Judgmt.cancellation.PARENT AND DESIGN.pdf(11257 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration No. 3,503,434
Registered on September 23, 2008

Swing Aerobics Licensing, Inc.,	§	
	§	
Petitioner,	§	
	§	
v.	§	Cancellation No. 92057017
	§	
Bio King, Inc.,	§	
	§	
Registrant.	§	

PETITIONER'S MOTION FOR DEFAULT JUDGMENT

The Petitioner, Swing Aerobics Licensing, Inc. (hereinafter "Petitioner"), a Corporation of Texas, having an address of PO Box 56507, Houston, Texas 77256, hereby respectfully requests the Board to grant a default judgment pursuant to 37 C.F.R. §§ 2.106(a), T.B.M.P. § 312.01 and § 508, and Fed. R. Civ. P. 55(a) and 55(b) against Registrant, Bio King, Inc.(hereinafter "Registrant"), a Corporation of California having an address of 1541 Wilshire Boulevard, #502, Los Angeles, California 90017.

1. On April 4, 2013, Petitioner filed a Petition for Cancellation of the registration for the "PARENT AND DESIGN" Mark, U.S. Registration No. 3,503,434, registered on the Principal Register on September 23, 2008 for use in connection with "Nutritional Supplement" in International Class 005.

2. On April 8, 2013, the Board issued a scheduling order, which provided that Registrant's Answer to the Petition for Cancellation was due forty (40) days after the mailing date thereof, *i.e.*, by May 18, 2013.

3. A copy of the Petition for Cancellation was mailed to the Registrant and returned as undeliverable on April 22, 2013. Therefore, on May 18, 2013 the Board suspended the proceedings to give notice by publication in the Official Gazette, as prescribed by Trademark Rule 2.118.

4. Registrant failed to file an answer to the Petition for Cancellation in the time allowed and has not filed an answer to date.

WHEREFORE, Petitioner respectfully request that the Trademark Trial and Appeal Board grant this motion for default judgment in its entirety and cancel U.S. Registration No. 3,503,434 forthwith.

Respectfully submitted,

August 16, 2013
Date

/2529-9/
John S. Egbert
Reg. No. 30,627
Kevin S. Wilson
Michael F. Swartz

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Houston, Texas 77002
(713)224-8080
(713)223-4873 (Fax)

ATTORNEYS FOR PETITIONER
Swing Aerobics Licensing, Inc.

CERTIFICATE OF SERVICE

This is to certify that on August 16, 2013, a true and correct copy of the foregoing document is being sent by regular mail to the following address of record for the Registrant:

Principal
Bio King, Inc.
1541 Wilshire Boulevard, #502
Los Angeles, California 90017

REGISTRANT

/2529-9/

John S. Egbert
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Kevin S. Wilson
Michael F. Swartz

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Swing Aerobics Licensing, Inc.

JSE:mfs
Our File: 2529-9